

### Remarks

Applicants would like to thank the Examiner for allowing claim 9 and indicating that the subject matter of claims 2-5 and 13 are allowable. However, Applicants respectfully believe that the claims as presently amended are all allowable for the following reasons:

The Examiner rejects claims 1, 6-8, 11, 12 and 14-18 under 35 USC § 102(e) as being anticipated by Wang et al (US Patent No. 6,901,048). The Examiner argues that Wang discloses each and every feature of these claims.

Wang is directed to protection switching at the link-level of traffic in a packet-switched network. In brief, Wang is generally concerned with encapsulating original packets within tunnel packets for transmission along protection paths when a link failure is detected. The present invention is concerned with setting up communication sessions on a label-switched path encapsulated within an existing label-switched path. Thus, the present invention enables label-switched paths to be established using other (existing) label-switched paths as part of their route. The Examiner will appreciate that encapsulating packets within tunnel packets (Wang) is not the same as encapsulating a label-switched path within an existing label-switched path (present invention). Thus, Applicants believe that the present invention is generally directed to a technical field which is distinct from Wang.

More specifically, the Examiner argues that Wang discloses 'sending a path set up message (set up message, column 9 line 61 to column 10 line 8)... wherein said path set up message incorporates an explicit route object containing a tunnel identifier (identifier, column 8 lines 45-55) for said existing label-switched path and an extended tunnel identifier (identifier, column 8 lines 45-55), said tunnel identifier and extended tunnel identifier together specifying the label-switched path for said communication session. Applicants believe that this is incorrect:

The "set up message 330" and the "tunnel datagram 1120" of Wang are two entirely different messages. The Examiner appears to have overlooked this point in formulating his argument. Set up message 330 is used to make node 4 (of Figure 3 of Wang) aware of the identity of the neighboring nodes 3 and 5 in the exemplary protection cycle. In contrast, tunnel datagram 1120 is used to transfer actual data over a protection path. The Examiner is kindly requested to refer to column 8, lines 18-55 for a very clear explanation of "tunnel" and "original" datagrams.

Additionally, the claim requires that the path set up message is sent from the first node to the second node. In contrast, Wang teaches that the path set up message 330 is sent from the PCM ("a computer or network server or router" (the "P-cycle manager")). See column 9, lines 52-56 and column 9 line 67 to column 10 line 2. This is not the first node as the Examiner contends.

Accordingly, it is clear that Wang does not teach each and every feature of claim 1 and thus the Examiner's rejection under 35 USC §102(e) cannot be sustained.

The Examiner has correctly noted that Wang and the present invention are under common ownership. Thus, Wang cannot be cited under 35 USC §103(a) by virtue of 35 USC §103(c).

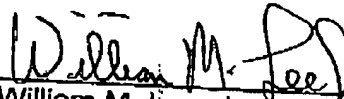
Accordingly, Applicants believe claim 1 is allowable over Wang.

Similar comments can be made in respect of each of the remaining dependent and independent claims pending in the present application.

Therefore, Applicants respectfully submit that the present application is in condition for allowance and solicit such action.

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Respectfully submitted,



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